


Joey D. Moya

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

UNITE NEW MEXICO, HEATHER
NORDQUIST, ELECT LIBERTY PAC,
LIBERTARIAN PARTY OF NEW
MEXICO, and REPUBLICAN PARTY
OF NEW MEXICO,

Petitioners,

vs.

No. **S-1-SC-37227**

MAGGIE TOULOUSE OLIVER,
Secretary of State of New Mexico,

Respondent.

EMERGENCY VERIFIED PETITION FOR WRIT OF MANDAMUS

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Attorneys for the Petitioners

The Petitioners – two competing political parties, a candidate for elective office, and two political committees, all of whom are heavily involved in the upcoming November 2018 general election – ask this Court to issue a writ of mandamus to New Mexico Secretary of State Maggie Toulouse Oliver to prevent her from carrying out her just-announced, last-minute plan to implement “straight party ticket” voting. *See* Sec’y of State Announcement (attached as Exhibit 1). The Secretary has neither statutory authority to add a straight-ticket item to the ballot – the legislature in fact went out of its way to repeal the statutory provision for straight-ticket ballots that *used to* exist – nor has she even exercised her own rulemaking power in an attempt to at least create a colorable claim of regulatory authority, electing instead to circumvent the notice, comment, and public-hearing provisions of the State Rules Act, NMSA 1978, §§ 14-4-1 to -11, and in doing so defying her own earlier express promise to the public.

BACKGROUND

1. The basic facts here are not in dispute. The New Mexico Constitution specifically vests the responsibility of regulating of the state’s electoral process solely with the legislative branch, *see* N.M. Const. art. VII, § 1 (“The legislature shall have the power to require the registration of the qualified electors as a requisite for voting and shall regulate the manner, time and places of voting. The legislature shall enact such laws as will secure the secrecy of the ballot and the purity of

elections and guard against the abuse of elective franchise.”), and, although the legislature has of necessity assigned many of the ministerial and administrative tasks of conducting elections to the Secretary of State, *see* NMSA 1978, §§ 1-2-1, -2, this Court has held that, where the Election Code is unambiguous, the Secretary may neither contravene it nor exceed her authority under it, *see Weldon v. Sanders*, 1982-NMSC-136, ¶¶ 31-33 (“Does the secretary of state have the power to change mandatory provisions of the Election Code? The answer is ‘no’. . . . Although the secretary of state is the chief election officer, she cannot negate mandatory provisions of the Election Code. To allow the secretary of state to do so would violate the doctrine of separation of powers.”).

2. Prior to 2001, the Election Code provided that ballots had to “permit[] each voter . . . to vote a straight party ticket in one operation.” NMSA 1978, § 1-9-4 (in effect 2001). The legislature repealed that section *in toto* in 2001 by way of House Bill 931, which passed both houses of the legislature unanimously and was signed into law by Governor Gary Johnson. *See* H.B. 931 § 16, at 27 (2011 Reg. Sess.), <https://www.nmlegis.gov/Legislation/Legislation?Chamber=H&LegType=B&LegNo=931&year=01> (last visited Aug. 30, 2018) (passed House 60-0 and Senate 42-0) (“REPEAL.-- Sections 1-9-3, 1-9-4, and 1-9-10 NMSA 1978 . . . are repealed.”). Although a straight-ticket item continued to be placed on the ballot for several more election cycles (apparently inadvertently, as it was never challenged

in, nor upheld by, any court), in 2011 the Secretary of State finally removed the item and brought ballots into compliance with New Mexico law.

3. Since its repeal – and in obvious recognition of the fact that the law as it currently exists prohibits the use of the straight party instrument on the ballot – members of the legislature have attempted no fewer than three times to amend the Election Code to once again allow straight ticket voting. The first of these attempts was Senate Bill 582 (2011 Reg. Sess.), which died in committee, the second was Senate Bill 218 (2012 Reg. Sess.), which passed the Senate but died on adjournment before being voted on in the House, and the third and final attempt was Senate Bill 276 (2013 Reg. Sess.), which passed the Senate but died in the House. *See* Legislation Listing Database, https://www.nmlegis.gov/Legislation/Legislation_List (last visited Aug. 30, 2018). All of those bills contained language providing that “the ballot shall be designed to allow the voter to vote for all of a qualified party’s slate of candidates on the ballot by marking a single straight party option,” and all three of those bills failed to become law. *Id.*

4. Despite the clear intention of the legislature in repealing the straight ticket voting statute and then failing to reenact it three times, the current Secretary of State began indicating earlier this year that she might move to reinstate straight ticket voting without legislative authorization. She assured the public, however, that, in keeping with the Election Code’s requirement that “[t]he secretary of state

shall . . . [be] subject to the State Rules Act,” NMSA 1978, § 1-2-1(B)(2), she would only attempt such a move after providing public notice, opening a public-comment period, and holding public hearings at which she could fully consider the move and gauge the public’s support for such a decision, *see* Dan Boyd, *Straight Party Voting May Return to New Mexico*, Albuquerque J. (Mar. 23, 2018), available at <https://www.abqjournal.com/1150042/straight-party-voting-may-return-to-new-mexico.html> (last visited Aug. 30, 2018) (“A Secretary of State’s Office spokesman said Toulouse Oliver intends to hold public hearings before implementing straight party voting.”). The deadline to adopt such a rule is 63 days prior to the election, which is September 4, 2018, *see* NMSA 1978, § 1-2-1(B)(2), and, as the State Rules Act requires that notice be given “[n]ot later than thirty days before a public rule hearing,” the Secretary would have had to have already begun a rulemaking process in order to have the outcome affect the November election, NMSA 1978, § 14-4-5.2(A) (requiring the notice to include “a summary of the full text of the propos[al],” “a short explanation,” “citation to [] specific legal authority authorizing” the action, and information on how to participate in the proceedings).

5. In the past week, however, the Secretary has suddenly changed her mind, indicating that she will forego the rulemaking process and implement straight ticket voting – not only without legislative authorization, but without even following any of the procedural safeguards of the State Rules Act. *See* Sec’y of State

Announcement (Ex. 1). In her announcement, the Secretary relied exclusively on a single statute, NMSA 1978, § 1-10-12, as giving her the authority to take this action.

That statute provides:

“Paper ballots shall:

- A. be numbered consecutively;
- B. be uniform in size;
- C. be printed on good quality white paper;
- D. be printed in plain black type;
- E. have the precinct numbers printed on each paper ballot; and
- F. ***be in the form prescribed by the secretary of state.***

Id. (emphasis added). The Secretary’s announcement quoted the above-bolded language.

6. The Secretary’s announcement – and the implicit analysis it conveys (although one can never be sure of what a public official’s reason for doing something is when they fail to provide an “explanatory statement” or otherwise comply with the law)¹ – completely ignores the repeal of the straight ticket voting statute, as well as the fact that NMSA 1978, § 1-10-8 lays out an all-inclusive list of the items that are to appear on the ballot, including the sequence of their inclusion.

¹ NMSA 1978, § 14-4-5.5.

7. Virtually all political observers agree that straight ticket voting benefits the Democratic Party in New Mexico – of which the Secretary of State is a member, and for whom she is a current candidate for reelection – and harms independent, minor-party, and Republican candidates. As such, the Secretary’s actions are widely perceived as being motivated by partisan interests. “‘It’s not a ma[t]ter of voter convenience; it’s a matter of partisan advantage in low information elections,’ state Sen. Jacob Candelaria, D-Albuquerque, wrote,” in a reaction even more common among those *not* directly aligned with the Democratic Party. Andrew Oxford, *Straight-Ticket Voting Returns for November Election*, Santa Fe New Mexico (Aug. 29, 2018), *available at* http://www.santafenewmexican.com/news/local_news/straight-ticket-voting-returns-for-november-election/article_5b7d60e3-0eb2-5979-8f0c-07e12e51d212.html (last visited Aug. 30, 2018). The current Attorney General, who provided advice and representation to the Secretary of State on this matter, is also a candidate for office for the Democratic Party of New Mexico, and is thus also a beneficiary of the Secretary’s decision.

JURISDICTION

8. This is a civil action in the form of a petition for Writ of Mandamus against a State Officer, New Mexico Secretary of State Maggie Toulouse Oliver, to require her to refrain from committing an unlawful act, to reverse her position, and to prohibit her from including a straight party ticket item on the November ballot.

The Petitioners ask for a peremptory writ to be issued, and this matter briefed and argued as to how her announced intentions can be squared with the clear intention of the legislature in 2001 to repeal NMSA § 1978, 1-9-4.

9. Defendant Maggie Toulouse Oliver is the duly elected Secretary of State of New Mexico, with offices at the seat of State Government in Santa Fe County, New Mexico. As the chief election officer of the State, as provided in NMSA 1978, § 1-2-1, she is the State official charged with the responsibility of administering the Election Code and ensuring that elections within the State are conducted in a fair and lawful manner. As such, she is named as a defendant in her official capacity.

10. This Court has statutory jurisdiction to correct an error on the ballot, *see* NMSA 1978, § 1-10-9, and this petition is also brought pursuant to this Court's original jurisdiction under the Constitution, *see* N.M. Const. art. VI, § 13.

PARTIES

A. Petitioners

11. Petitioner Unite New Mexico is a d/b/a of New Mexico Open Primaries, which is a duly registered 501(c)(4) voter and election nonprofit advocacy entity operating in the State of New Mexico with membership made up of concerned registered voters who promote open elections and independent candidates.

12. Petitioner ELECT LIBERTY, PAC is a duly registered Political Action Committee operating in the State of New Mexico to promote candidates in the 2018 General Election.

13. Petitioner Heather Nordquist is a registered voter in the State of New Mexico, Santa Fe County. Ms. Nordquist is the duly declared Democratic write-in candidate for House District 46. As the Democratic Party of New Mexico's write-in candidate, the actions of the Secretary of State serve to place her race into an ambiguous position.

14. Petitioner Libertarian Party of New Mexico is a duly recognized major political party in New Mexico headquartered in Albuquerque, NM, whose Chairman is Chris Luchini, who signed the verification on behalf of the Party.

15. Petitioner Republican Party of New Mexico is a duly recognized major political party in New Mexico headquartered in Albuquerque, NM, whose Chairman is Ryan Cangiolosi, who signed the verification on behalf of the Party.

B. Respondent

16. Respondent Maggie Toulouse Oliver is the duly elected Secretary of State of New Mexico. Under NMSA 1978, § 1-2-1 (A), she is the chief election officer of the state and is required to “obtain and maintain uniformity in the application and operation” of the Election Code of New Mexico, to “make rules and regulations . . . necessary to carry out the purposes of the Election Code.”

17. The Petitioners sue Respondent in her official capacity as Secretary of State. Her duties relating to this suit involve ensuring that elections are conducted in a fair and lawful manner. As such, she is named as a defendant in her official capacity.

CONSTITUTIONAL AND STATUTORY FOUNDATION FOR A MANDAMUS ACTION

18. The Petitioners do not expect it to be disputed that a Writ of Mandamus is the proper vehicle of relief, as the Petitioners are asking the Court to impose upon a state official a proper reading of the law and are not contesting a discretionary act by the Secretary of State.

19. This Court's authority to resolve this matter through Mandamus is well settled and most squarely applied to its reasoning as stated in *State of N.M ex rel. League of Woman Voters vs Herrera*, 2009-NMSC-003. In that case, the Court:

consider[ed] the League's standing to bring an action in mandamus and whether mandamus is an appropriate remedy. This Court in its discretion may grant private parties standing to vindicate the public interest in cases presenting "issues of great public importance." Determining the validity of individual votes is of unquestionable importance. ***Establishing clear rules, prior to election day, as to how such validity is to be established is of equal, if not greater, importance.*** Therefore, there can be little doubt that construing the statute governing the counting of hand-tallied ballots qualifies under the "great public importance" standard of the *Sego* line of cases.

The New Mexico Constitution gives this Court the power to issue writs of mandamus "against all state officers." N.M. Const. art. VI, § 3. Mandamus is appropriate to compel state officers to perform a statutory duty. Here the Secretary is clearly a "state officer" within the meaning

of the Constitution, and it is clear that the Secretary must follow the Election Code, and does not have the power to change its mandatory provisions.

League of Women Voters, 2009-NMSC-003, ¶¶ 11-12 (emphasis added) (citations omitted).

ARGUMENT

20. The Secretary's intended action is illegal for three reasons, any one of which would, on its own, suffice to entitle the Petitioners to relief: (i) the Secretary's proposal violates the Election Code, from which the legislature expressly eliminated straight ticket voting; (ii) the Secretary's way of enacting her proposal violates the State Rules Act; and (iii) straight ticket voting violates the Equal Protection Clause of the state and federal constitutions because it places an unreasonable and unequal burden on the ballot access of independent, minor-party, and minority-party candidates.

I. The Legislature's Repeal of the Straight Party Ticket Statute Bars the Secretary from Implementing Such a Ballot, Even Had the State Rules Act Been Followed.

21. The logical implications of the repeal of the statute authorizing straight party voting are unambiguous, and the Secretary violates the Election Code by defying them. "It is a familiar rule of statutory construction that the adoption of an amendment is evidence of an intention by the legislature to change the provision of

the original law.” *Martinez v. Research Park, Inc.*, 1965-NMSC-146, ¶ 23 (citations omitted).

Courts have declared that the mere fact that a legislature enacts an amendment indicates that it intended to change the original act by creating a new right or withdrawing an existing one. Therefore, any material change in the language of the original act is presumed to indicate a change in legal rights. Courts presume that [the legislature] was aware of the prior construction of the terms in question in the original act and deliberately limited the scope of the new act.

1A Norman J. Singer & J.D. Shambie Singer, *Sutherland Statutes and Statutory Construction* § 25:4, at 589 (7th ed. 2008).

22. Under the limited authority granted by the legislature to the Secretary of State for determining the form and content of the ballot, the scope of the Secretary’s discretion is limited: “The secretary of state [] determine[s] in each election, where applicable, the position of the parties, constitutional amendments, questions and the names of nominees to be voted on by the voters of the entire state,” but not whether candidate-by-candidate voting is necessary at all. NMSA 1978, 1-10-3(B); *see Cook v. Houser*, 100 N.W. 964, 972 (Wis. 1904) (“So the plan for an official ballot . . . [is] purely within legislative control.”); *Hoskins v. Howard*, 59 So. 2d 263, 266 (Miss. 1952) (holding that the “straight party ticket” and other “plan[s] for an official ballot” are “right[] . . . created by statute” (citation omitted)); *State ex rel. Thompson v. Winnett*, 110 N.W. 1113, 1118 (Neb. 1907) (upholding “a straight

party ticket [option] in general . . . [as t]he duty of devising and applying such methods is devolved upon the Legislature”).

23. The Secretary of State is mistaken that she possesses the authority to place something on the ballot that the Legislature has not only not authorized, but has explicitly repealed. *See Rivas v. Bd. of Cosmetologists*, 1984-NMSC-076, ¶ 18 (“A regulation adopted by an administrative agency creating an exemption not contemplated by the act or included within the exemption specified therein is void. An administrative agency has no power to create a rule or regulation that is not in harmony with the statutory authority.” (internal quotation marks and citation omitted)). Therefore, the Secretary of State has no discretion to make a unilateral decision to simply add the straight ticket item by executive/administrative fiat. *See Weldon v. Sanders*, 1982-NMSC-136, ¶¶ 31-33 (“Does the secretary of state have the power to change mandatory provisions of the Election Code? The answer is ‘no’ Although the secretary of state is the chief election officer, she cannot negate mandatory provisions of the Election Code. To allow the secretary of state to do so would violate the doctrine of separation of powers.”); *Davidowitz v. Philadelphia Cnty.*, 187 A. 585, 588-589 (Pa. 1936) (“[T]he secretary is not permitted to substitute his discretion in this regard for that which the legislature has there definitely commanded. To say that the Legislature by this section intended to vest in the Secretary of the Commonwealth an uncontrolled regulation of the

arrangement of the ballot labels would cause the act to run afoul of the principle which forbids delegation of legislative power.”).

II. The Secretary’s Failure to Comply with the Procedural Requirements Attendant to Rulemaking Render the Resultant New Rule Invalid.

24. The Secretary of State openly admits that she did not follow the procedural requirements of either the State Rules Act or the Administrative Procedures Act, NMSA 1978, §§ 12-8-1 to -25 (“APA”),² even the former (and easier-to-comply-with) of which requires public notice, a period for public comment, public hearings, and the release of an explanatory statement with legal citations. The Secretary’s argument, rather, is that she did not have to. *See* Dan Boyd, *Straight-Party Voting Coming Back to NM Ballots*, Albuquerque J. (Aug. 29, 2018), available at <https://www.abqjournal.com/1214651/nm-secretary-of-state-bringing-back-straight-party-voting-option.html> (“[S]he said her office decided to implement straight-party voting without a rule change, which would have required public hearings.”).

25. The Secretary’s position simply cannot be squared with the State Rules Act’s broad definition of what a “rule” is:

² It is unclear whether the APA’s procedural safeguards should have applied on top of the State Rules Act’s. Although most tasks assigned by the Election Code to the Secretary do specifically require compliance with the APA, at least one of them does, *see* NMSA 1978, § 1-19-26.2, rendering the Secretary’s office an “agency” under NMSA 1978, § 12-8-2(A), and thus potentially rendering all of the office’s rulemaking subject to the higher procedural requirements of the APA.

[The term] “rule” means any rule, regulation, or standard, including those that explicitly or implicitly implement or interpret a federal or state legal mandate or other applicable law and amendments thereto or repeals and renewals thereof, issued or promulgated by any agency and purporting to affect one or more agencies besides the agency issuing the rule or to affect persons not members or employees of the issuing agency, including affecting persons served by the agency.

NMSA 1978, § 14-4-2(F).

26. “Failure to follow the State Rules Act cause[s a] policy to be invalid and unenforceable” *State v. Joyce*, 1980-NMCA-086, ¶ 9. Just so here. The Secretary’s failure give the public even the relatively minimal process to which it is entitled under the State Rules Act – in fact doing *worse* than merely not giving notice, as she *said* she was going to give notice and conduct public hearings, but then changed her mind the day the policy was announced – is alone sufficient to render her attempt to implement straight party ticket voting invalid.

III. Straight Ticket Voting Unduly and Unequally Burdens the Ballot Access of Independents, Minor Parties, and Minority Parties.

27. “States may impose reasonable and neutral limitations on access to the ballot,” but restrictions on ballot access nonetheless implicate “First Amendment interests and the ‘fundamental rights’ strand of [the] equal protection analysis,” and, thus, courts “focus on the degree to which the challenged restrictions operate as a mechanism to exclude certain classes of candidate from the electoral process.”

1 William J. Rich, *Modern Constitutional Law* § 14:20, at 568 (3d ed. 2011); *Anderson v. Celebrezze*, 460 U.S. 780, 796 (1983). In the context of discrimination

on the basis of party affiliation or lack thereof – which is obviously not a suspect classification, but which does merit enhanced scrutiny due to the fundamental rights involved³ – courts normally speak in terms of whether the state’s “regulatory interests are generally sufficient to justify *reasonable, nondiscriminatory* restrictions.” *Anderson v. Celebrezze*, 460 U.S. 780, 788 (1983) (emphasis added).

28. Here, the Secretary’s imposition of straight ticket voting violates the Equal Protection Clauses of the federal and state constitutions. *See* U.S. Const. amend. XIV, § 1; N.M. Const. art. II, § 18. What renders it a violation is not simply the discrimination itself or even the impact of that discrimination: to make reference to the most well-known and high-impact category of partisan discrimination in the electoral system, would-be independent and minor-party candidates face hurdles simply not faced by major-party candidates to even be *listed on the ballot* at all. *See Dillon v. King*, 1974-NMSC-096, ¶ 16 (noting that the “state’s right to reasonable regulation of the ballot” justifies placing party-specific barriers to ballot access, provided that nominating signatures, votes, or party membership required by statute satisfies “the ‘reasonable quantum’ test”). But that discrimination and its impact have a purpose: furthering “the fundamental importance of ballots of reasonable size

³ “Limitations on ballot access burden two fundamental rights: “the right of individuals to associate for the advancement of political beliefs, and the right of qualified voters, regardless of their political persuasion, to cast their votes effectively.” *Munro v. Socialist Workers Party*, 479 U.S. 189, 200 (1986) (Brennan & Marshall, JJ., dissenting) (quoting *Williams v. Rhodes*, 393 U.S. 23, 30 (1968)).

limited to serious candidates with some prospects of public support.” *Id.* ¶ 12. “The ‘laundry list’ ballot, as it has been aptly characterized by the Chief Justice, is a real and present danger in New Mexico,” and a strict but fair ballot-access regime that is oriented toward limiting the number of candidates on the ballot is, at worst, a necessary evil. *Id.*

29. Here, however, there is no concomitant benefit to voters to providing a straight party ticket item – it is, if anything, one *more* thing for the voter to decide upon. And especially given the Secretary’s defiance of both the clear mandate of the people’s elected representatives in the legislature, and even of the people themselves (who were at least entitled to notice and hearing), her action cannot be allowed to stand and cripple – without legal authorization or even publicly tested justification – the electoral odds of an entire class of candidates. *See* Charles E. Smith, *The New Mexico State Constitution* art. II, § 18, at 53 (2011) (“Due process of law not only embraces protection of the liberty of individuals in the enforcement of law, but also in the making of law. [Lawmakers] may not make law outside [their] competency to do so.” (citation omitted)).

CONCLUSION

WHEREFORE, for the foregoing reasons, the Petitioners respectfully request this Court:

- A. issue a Writ of Mandamus declaring that the Secretary of State's actions in including the straight ticket option on the 2018 General Election Ballot are inconsistent with the explicit intention of the New Mexico Legislature to repeal §1-9-4, and requiring that any form or ballots exclude the straight party option; and
- B. grant such other relief as the Court considers appropriate.

Respectfully Submitted,

/s/ Christopher T. Saucedo

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--and--

/s/ A. Blair Dunn

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--and--

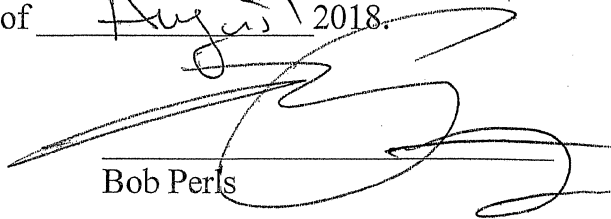
/s/ Carter B. Harrison, IV

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Attorneys for the Petitioners

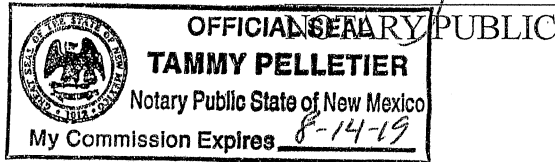
VERIFICATION

I, Bob Perls, duly authorized on behalf of Unite New Mexico do hereby swear and affirm that that foregoing is true and correct to the best of my knowledge and acknowledge the same this 30 day of August 2018.


Bob Perls

Subscribed and sworn to me this day by Bob Perls.





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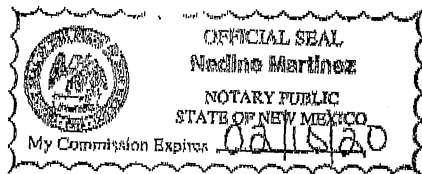
My commissioner expires: _____

VERIFICATION

I, Heather Nordquist, do hereby swear and affirm that that foregoing is true and correct to the best of my knowledge and acknowledge the same this 30 day of August 2018.

Heather Nordquist
Heather Nordquist

Subscribed and sworn to me this day by Heather Nordquist.



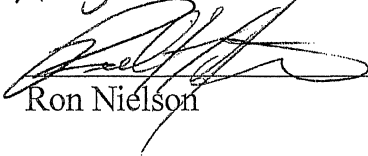
Nadine Martinez
NOTARY PUBLIC

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My commissioner expires: 02/11/20

VERIFICATION

I, Ron Nielson, duly authorized on behalf of ELECT LIBERTY, PAC do hereby swear and affirm that that foregoing is true and correct to the best of my knowledge and acknowledge the same this 30 day of August 2018.

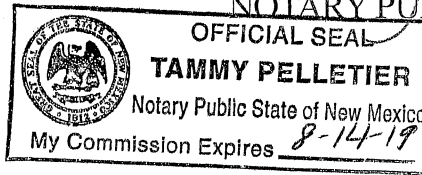


Ron Nielson

Subscribed and sworn to me this day by Ron Nielson.



NOTARY PUBLIC



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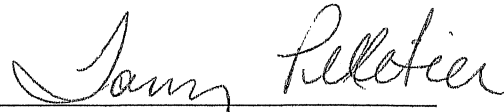
My commissioner expires: _____

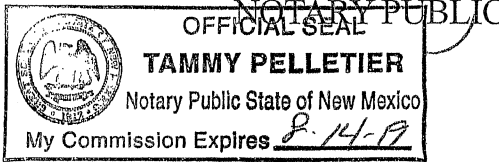
VERIFICATION

I, Chris Lucini, duly authorized on behalf of the Libertarian Party of New Mexico do hereby swear and affirm that that foregoing is true and correct to the best of my knowledge and acknowledge the same this 30th day of August 2018.


Chris Luchini

Subscribed and sworn to me this day by Chris Luchini.





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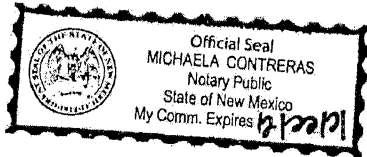
My commissioner expires: _____

VERIFICATION

I, Ryan Cangiolosi, duly authorized on behalf of the Republican Party of New Mexico do hereby swear and affirm that that foregoing is true and correct to the best of my knowledge and acknowledge the same this 30 day of August 2018.

Ryan Cangiolosi
Ryan Cangiolosi

Subscribed and sworn to me this day by Ryan Cangiolosi.



Michaela Contreras
NOTARY PUBLIC

<SEAL>

My commission expires: 12/22/2021

CERTIFICATE OF SERVICE

I certify that a copy of this pleading was served in accordance with Rules 12-307 and 12-504 NMRA this 30th day of August 2018 as follows:

Secretary of State Maggie Toulouse Oliver
New Mexico Capitol Annex North
325 Don Gaspar, Suite 300
Santa Fe, NM 87501

Hector Balderas
NM Attorney General
201 3rd St NW #300
Albuquerque, NM 87102

/s/ A. Blair Dunn
A. Blair Dunn, Esq.

FOR IMMEDIATE RELEASE

August 29, 2018

Contact: John Blair (505) 490-1952

SOS Toulouse Oliver Announces Straight-Party Voting Option for 2018 General Election Ballot

SANTA FE – Today, New Mexico Secretary of State Maggie Toulouse Oliver announced that she is formatting the 2018 general election ballot to once again include the option for “straight-party” voting. The straight-party option had long been a fixture on general election ballots until 2012 when then-Secretary of State Dianna Duran chose to no longer provide the option.

“Like absentee voting and early voting, straight-party voting gives New Mexicans another option for casting their ballot. Voters can choose to use straight-party voting, if they decide it will work best for them. They can also choose to fill out the ballot for each individual race,” said Secretary Toulouse Oliver. “The more options people have, the easier it is for more eligible voters to participate--and participation is the key to our democratic process.”

The straight-party option allows a voter to cast a single vote for all partisan candidates of one party (known as a ticket or slate) simply by marking the oval next to that major party’s name at the top of the ballot. Voters can do this and still choose candidates of different political parties in any individual partisan race. Straight-party simply gives voters a choice of how to cast their vote.

Voters can also ignore the straight-party option altogether and fill in the oval next to every candidate they support. Questions that are non-partisan in nature – starting from the retention of judges down through any constitutional or ballot questions –will always require that the voter fill in an oval for each individual race or question.

“As Secretary of State, I am committed to making it easier—not harder—for New Mexicans to vote,” said Secretary Toulouse Oliver. “From moms juggling work and kids to elderly veterans who find it hard to stand for long, straight-party voting provides an option for voters that allows their voices to be heard while cutting in half the time it takes them to cast their ballot.”

New Mexico law gives the Secretary of State the explicit authority to decide the format of the paper ballots used in our elections. Specifically, state law provides that ballots will be “in the form prescribed by the secretary of state.” (NMSA 1978, Section 1-10-12)

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Follow Secretary Toulouse Oliver on [Facebook](#) and [Twitter](#).